

June 20, 2011, MB#52

Regular Session, June 20, 2011, 7:00 p.m.
Catawba County Board of Commissioners

Appointments

Western Piedmont Council of Governments Aging Advisory Committee	150	06/20/11
Hickory Regional Planning Commission	150	06/20/11
Catawba Valley Community College Board of Trustees	150	06/20/11

Awards

Certificate of Commendation to Ira Cline	138	06/20/11
Carolinas Medical Center Backboard Award to Cary Shook and Shannon Eckard	138	06/20/11

Finance Department

Budget Revision for Ambulance Billing	151	06/20/11
911 Funds – Emergency Telephone Fund	151	06/20/11
Reclassification of Special Revenue Funds	151	06/20/11

NCDOT

NCDOT 2011-12 Secondary Road Program	138	06/20/11
--------------------------------------	-----	----------

Ordinances

Project Budget Ordinance for 2007 CDBG Scattered Site Housing Program	142	06/20/11
Amendment of County Code – Administration and Purchasing	152	06/20/11

Planning, Parks and Development

2 nd Public Hearing – 2007 CDBG Scattered Site Housing Program	141	06/20/11
---	-----	----------

Public Hearings

Closeout Performance Report on Water/Sewer Hookup Grant	141	06/20/11
2 nd Public Hearing – Emergency Housing Repair (CDBG Scattered Site Housing Program)	141	06/20/11

Purchasing

Amendment to County Code	152	06/20/11
--------------------------	-----	----------

Resolutions

Catawba County Secondary Roads Construction Program 2011-12	138	06/20/11
Authorizing Resolution and Certification Community Development Block Grant	141	06/20/11

Sheriff's Office

2011 Justice Assistance Grant	174	06/20/11
-------------------------------	-----	----------

Utilities and Engineering

Public Hearing – Closeout Performance Report on Water/Sewer Hookup Grant	141	06/20/11
Request for Republic Services (GDS) Fee Increase.	175	06/20/11

June 20, 2011, MB#52

The Catawba County Board of Commissioners met in regular session on Monday, June 20, 2011 at 7:00 p.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn M. Lail and Commissioners Dan Hunsucker, Barbara Beatty and Randy Isenhower.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, Assistant County Manager Dewey Harris, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris. County Attorney Debra Bechtel was absent.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Vice-Chair Lynn M. Lail led the Pledge of Allegiance to the Flag.
3. Commissioner Randy Isenhower offered the invocation.
4. Vice-Chair Lail made a motion to approve the minutes the Budget Hearings with Departments and Outside Agencies of May 31, 2011; the Budget Public Hearing and Wrap-Up of June 2, 2011 and the Regular and Closed Session Meeting of June 6, 2011. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed all present and specifically acknowledged Catawba County NAACP President Jerry McCombs.
6. Public Comments for Items Not on the Agenda: None.
7. Presentations:
 - a. All the Board members joined Chair Barnes at the podium to present a Certificate of Commendation to Mr. Ira Cline, which recognized his recent induction into the North Carolina Vegetable and Fruit Growers Hall of Fame. The commendation also honored his countless years of commitment to the farming industry in Catawba County and his devotion to the art of farming and preservation of family farms for years to come. Chair Barnes asked Mr. Cline's wife, Ann, to join Mr. Cline in receiving the commendation as he had always referred to her as his partner in his farming career.
 - b. Mr. Glenn Miller of Carolinas Medical Center presented Cary Shook and Shannon Eckard of Catawba County EMS with the Carolinas Medical Center EMS Backboard Award. This award recognizes a provider or group that demonstrates the EMS core values and beliefs for their community and/or functions above the call of duty in times of crisis. Mr. Shook's and Mr. Eckard's response to a traumatic injury from a boating accident enabled the patient to receive the care he needed in a timely and professional manner.
 - c. Ms. Jackie McSwain, District Engineer of North Carolina Department of Transportation, presented the North Carolina Department of Transportation (NCDOT) 2011-2012 Secondary Road Program for Catawba County, as approved by the North Carolina Board of Transportation and requested the Board adopt a resolution of concurrence with the program. The presentation outlined the paving priorities approved by NCDOT for unpaved roads in Catawba County, which will utilize an anticipated \$1.5 million allocation in State highway funds. Commissioner Barbara G. Beatty asked the mileage of dirt roads left unpaved in the County and Ms. McSwain said there were approximately 7 miles of roads left unpaved, the majority of which did not meet the DOT criteria for paving. Commissioner Dan Hunsucker made a motion to adopt the concurring resolution. The motion carried unanimously. Chair Barnes asked Ms. McSwain about the DOT checking into the intersection of Sherrills Ford Road and Slanting Bridge Road to see if it would qualify for a motion activated warning device. Ms. McSwain indicated that the minutes of this minutes would constitute an official request for this study. The following resolution applies to the 2011-2012 Secondary Road Program:

Resolution 2011-__

WHEREAS, representatives from the North Carolina Department of Transportation appeared before the Catawba County Board of Commissioners on Monday, June 20, 2011 and presented the Secondary Roads Improvement Program for 2011-2012 for Catawba County.

NOW, THEREFORE, BE IT RESOLVED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the Board has reviewed said program and concurs with the Secondary Roads Improvement Program for the fiscal year 2011-2012 as presented by the representatives of the North Carolina Board of Transportation as follows:

**North Carolina Department of Transportation
Catawba County Secondary Roads Construction Program
2011 – 2012 Paving Priority**

FY 2011 – 2012 **Anticipated** Allocations:
 Highway Fund (G.S. 136-44.5b&c) \$ 700,000.00
 Trust Fund (G.S. 136-182) \$ 850,000.00
Grand Total..... **\$ 1,500,000.00**

I. Paving Unpaved Roads

A. Rural Paving Priority

Rural Priority #	SR#	Local Name	Length (Miles)	Cost Estimate
1	2027	Powell Road	0.16	\$ 75,000.00
2	1898	Fighting Crk Rd.	0.40	\$195,700.00
3	2417	Cobbs Drive	0.50	\$225,900.00
Rural Total			1.06	\$496,600.00

* Rural Paving Alternates:

4	1865	Lawing Chapel Rd	0.50	\$225,900.00
5	1945	Indian Trail	0.26	\$112,250.00

B. Subdivision Paving Priority

Subdivision Priority #	SR#	Local Name	Length (Miles)	Cost Estimate
1	2650	Barefoot Road	0.25	\$95,500.00
2	1561	Crabapple St.	0.35	\$145,600.00
Subdivision Total			0.60	\$241,100.00

June 20, 2011, MB#52

* Subdivision Paving Alternates:

3	2657M	Woodchuck Rd	0.61 T	\$275,500.00
---	-------	--------------	--------	--------------

II. General Secondary Road Improvements (Funded by G.S. 136-44.5b)

A. Paved Road Improvements

SR#	Local Name	Description	Length (Miles)	Cost Estimate
SR 1486	Lee Cline Rd.	widen 2' and resurface from SR 1484 to SR 1512	2.50	\$475,000.00

III. Trust Fund Safety Improvements (Funded by G.S. 136-182)

SR#	Local Name	Description	Length (Miles)	Cost Estimate
None				

B. Various Spot Stabilization, Secondary Maintenance

SR#	Length Local Name	Description	(Miles)	Cost Estimate
Various			Various	\$125,000.00

IV. Funds reserved for surveying, road additions, contingencies, overdrafts, and paving entrances to certified fire departments, rescue squads, etc..... **\$150,000.00**

Total from page 1..... \$737,700.00

Total from page 2..... \$ 750,000.00

Grand Total \$1,487,700.00

****This Program is subject to the availability of funding, right of way, and environmental review. Roads may or may not be improved in the order listed herein due to these and other factors.**

8. Public Hearings:

a. Utilities and Engineering Assistant Director Jack Chandler requested the Board conduct a public hearing to receive citizen comments and consider approval of the submission of a Closeout Performance Report for a Water/Sewer Hookup Grant to the Division of Community Assistance of the North Carolina Department of Commerce.

Catawba County was awarded a \$150,000 Community Development Block Grant (CDBG) to provide taps and connections for municipal water and/or sewer, where available, for 34 low-to-moderate income households located in the county. With this grant, 31 homes were connected to municipal water and/or sewer. The County will be de-obligating \$31,749.50 in CDBG grant funds. At the time of the application to the Division of Community Assistance, all homes had to be selected and determined as qualified in order to receive the funds. The original project proposed \$75,000 and connected twenty households to municipal water and/or sewer. Since the original project was completed in a timely manner, the County received an additional \$75,000 to assist more households. An additional eleven households were connected to water and/or sewer. The Division of Community Assistance has time limitations on seeking more applicants, so the County must de-obligate a portion of the grant funds. De-obligation does not affect future grant applications or funding. CDBG funds financed 100% of project expenditures. No local funds were used.

Chair Barnes opened the floor for public comments and no one came forward to speak. Chair Barnes closed the public hearing. Commissioner Hunsucker asked how staff was trying to reach eligible homeowners regarding the availability of these funds. Mr. Chandler replied they had tried radio and newspapers. Commissioner Isenhower suggested utilizing ECCCCM to try to get the information to possible recipients. Commissioner Isenhower made a motion to approve the submittal of the closeout documents, including the de-obligation of unused funds, for the Water/Sewer Hookup Grant. The motion carried unanimously.

b. Planning, Parks and Development Director Jacky Eubanks presented a request for the Board to conduct a second public hearing and adopt an authorizing resolution and certification, a project budget ordinance, a WPCOG Agreement Addendum for Administration and a Language Access Plan.

The WPCOG was approached by the Division of Community Assistance (DCA) in April 2011 to determine whether Catawba County had any projects for which it could use this additional funding (de-obligated in 2007), and whether additional funds could be spent by January 2012. Since there is already a waiting list of potential housing applicants for Emergency Housing Repair, the WPCOG suggested the County use these funds for this purpose since it could meet the deadline date set by the DCA. The County requested the funds on April 13, 2011, to use for emergency repair work such as heating, roofing, new floors and disabled accessibility items for 26 very low and low income homeowners. Recipients of Federal financial assistance are required to have a Language Access Plan to ensure that Limited English Proficient persons are provided meaningful access to benefits and services. It is similar to plans previously adopted by the County for Public Health and Social Services.

Chair Barnes opened the floor for public comments and no one came forward to speak. Chair Barnes closed the public hearing. Commissioner Isenhower confirmed that the administrative fee quoted was a one-time fee. Vice-Chair Lail made a motion to adopt the authorizing resolution and certification, the budget ordinance, the WPCOG Agreement Addendum for Administration and a Language Access Plan. The motion carried unanimously. The following documents apply:

CATAWBA COUNTY
AUTHORIZING RESOLUTION AND CERTIFICATION
COMMUNITY DEVELOPMENT BLOCK GRANT
L-1 SCATTERED SITE HOUSING REPAIR

WHEREAS, various State and Federal agencies provide for funds to municipalities to meet the needs of local governments in financing the cost of Community Development; and

WHEREAS, the Division of Community Assistance is the State administering agency for the Community Development Block Grant Program whose funds are designed to improve the housing conditions of very low-income households with incomes at or below 50% of area median income; and

June 20, 2011, MB#52

WHEREAS, the Catawba County Board of Commissioners has solicited and received citizen input regarding the Community Development Block Grant L-1 Scattered Site Housing Repair which will provide emergency housing rehabilitation assistance to approximately twenty-six (26) households as part of the grant; and

NOW, THEREFORE, BE IT RESOLVED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS:

That Catawba County has received \$96,956.97 in Community Development Block Grant (CDBG) Scattered Site Housing funds to assist twenty-six (26) very low and low-income families;

That Catawba County will substantially comply with all Federal, State and local laws, rules, regulations and ordinances pertaining to the project and to Federal and State grants pertaining thereto.

That, Katherine W. Barnes, Chair of the Catawba County Board of Commissioners, and successors so titled is hereby authorized to develop, execute and file an application on behalf of the Catawba County to appropriate Federal and State agencies to secure funds for the Community Development Block Grant Project.

That, Katherine W. Barnes, Chair of the Catawba County Commissioners, and successors so titled is hereby authorized and directed to furnish such information as the appropriate governmental agencies my request in connection with such applications for the project; to make the assurances and certifications as contained above; and to execute such other documents as may be required in connection with the construction of the project.

That this resolution shall take effect immediately upon its adoption.

Adopted this the 20th day of June, 2011 at Newton, Catawba County, North Carolina by _____ vote of the Board of Commissioners upon a motion by _____.

ORDINANCE# _____

**CATAWBA COUNTY'S PROJECT BUDGET ORDINANCE
FOR THE 2007 CDBG SCATTERED SITE HOUSING PROGRAM
(CATAWBA COUNTY L-1 SCATTERED SITE HOUSING GRANT)**

Be it ordained by the County Commissioners of Catawba County that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#07-D-2181) between this unit and the Department of Commerce. This project is more familiarly known as the 2007 Catawba County L-1 Scattered Site Housing Grant.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project.

<u>Revenues</u>	
Community Development Block Grant	\$ 96,956.97

Section 4. The following amounts are appropriated for the project:

<u>Expenditures</u>	
Rehabilitation (CDBG)	\$ 87,356.97

June 20, 2011, MB#52

Administration (CDBG)	<u>\$ 9,600.00</u>
	\$ 96,956.97

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 20th day of June, 2011.

**AGREEMENT BETWEEN THE
WESTERN PIEDMONT COUNCIL OF GOVERNMENTS
AND CATAWBA COUNTY FOR THE PROVISION OF
GRANT MANAGEMENT ASSISTANCE
CATAWBA COUNTY SCATTERED SITE HOUSING INITIATIVE CDBG PROJECT
JANUARY 1, 2010 – DECEMBER 31, 2011**

The Local Government and the Planning Agency have agreed to amend the above referenced agreement as follows:

Change 3. Compensation - Grant Administration, page 2, as follows

The Local Government will pay the Planning Agency an amount not to exceed \$47,600 (forty-seven thousand six-hundred dollars) for the satisfactory performance of all services related to the administration of the project as defined in the Scope of Services. Planning Agency personnel will keep an accurate record of time spent, which will serve as the basis for the amount charged to the Local Government per month. The Local Government will reimburse the Planning Agency monthly at a rate per hour for each of the personnel involved, which includes the salary, fringe benefits, travel and indirect costs, plus travel and other approved expenses.

Change Compensation - Service Delivery, page 2, as follows

In addition, the Local Government will pay the Planning Agency an amount not to exceed \$31,500 (thirty-one thousand five-hundred dollars) for the work write ups, housing inspections including initial, interim and final construction over site as well as twenty-six additional write ups for the additional L-1 funding. Planning Agency personnel will keep an accurate record of time spent, which will serve as the basis for the amount charged to the Local Government per month. The Local Government will reimburse the Planning Agency monthly at a rate per hour for each of the personnel involved, which includes the salary, fringe benefits, travel and indirect costs, plus travel and other approved expenses.

Change Total Compensation in paragraph #1, page 3, as follows

The total compensation for grant development, administration and service delivery costs associated with the original project and the additional L-1 funding will not exceed \$86,100.

June 20, 2011, MB#52

Change the Work Program in the Scope of Services, Attachment A, page 7 to include

- Inspect 26 (twenty-six) homes and determine their urgent needs, prepare work write ups, procure contractors to complete the work, oversee construction and approve final payments.

Change Administrative Budget, in Scope of Services, Attachment A, page 8

The WPCOG will provide administrative services for a fee not to exceed \$47,600. The budget is broken down as follows:

Salaries	\$23,000
Fringe Benefits	11,500
Travel	4,360
Indirect	<u>8,740</u>
Total	\$47,600

Change Service Delivery Budget, in Scope of Services, Attachment A, page 9

The WPCOG will provide construction supervision services for a fee not to exceed \$31,500. The budget is broken down as follows:

Salaries	\$15,000
Fringe Benefits	7,500
Travel	3,300
Indirect	<u>5,700</u>
Total	\$31,500

Approved by mutual consent:

CATAWBA COUNTY
Language Access Plan
4-1

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by **Catawba County** must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

This policy and plan is effective June 20, 2011

Scope of Policy

These requirements will apply to **Catawba County**, (herein referred to as the "the agency") including subcontractors, vendors, and subrecipients.

The agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the agency.

Definitions

- A. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.
- B. Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.
- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of Catawba County and speak a primary language other than English and have limited English proficiency.

Providing Notice to LEP Individuals

The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officer:

Jacky Eubanks, Director of Planning and Development
Catawba County
828-465-8380
Mailing Address: PO Box 389, Newton, NC 28658
Physical Address: 101 A South West Blvd, Newton, NC 28658

- A. The agency will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

These signs will be posted at the County Administrative Offices, Community Development Office, Department of Social Services, Health Department, Building Inspections, Environmental Health Departments and Public Library.

- B. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public.
- C. The agency will be responsible for posting the signs.

Provision of Services to LEP Applicants/Recipients

- A. Assessing Linguistic Needs of Potential Applicants and Recipients
1. The agency will assess the language needs of the population to be served, by identifying:

- a. the language needs of each LEP applicant/recipient
- b. the points of contact where language assistance is needed; and
- c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.

2. Determining the Language Needs of the Population to be Served

The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.
- b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals local entities should review:
 - i. census data
 - ii. school system data
 - iii. reports from federal, state, and local governments
 - iv. community agencies' information, and
 - v. data from client files
 - vi. Other (specify):

Assessment of Language Needs:

The 2000 Census showed 83,847 persons over the age of 5 in Catawba County.

Of that number:

6,718 reported that they spoke a language other than English at home. (8.0%)

3,578 of those reported that they did not speak English "very well." (4.3%)

2,235 Spanish speaking persons did not speak English "well." (2.7%)

1,214 Asian/Pacific Islanders did not speak English "well." (1.4%)

44 Other Indo-European persons reported not speaking English "well." (0.1%)

A total of 13,854 students in the Catawba County School System as of the 2009-10 school year.

School System	Caucasian	African-American	Native American	Asian	Hispanic	Multi Racial
Catawba Co.	76%	5.7%	0.3%	7.2%	6.7%	4.2%

**Numbers are subject to change once updated Census information is received.*

- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

3. Determining the Language Needs of Each Applicant/Recipient

The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.

Multi-language identification cards and a poster-size language list will be used for indicating preferred languages.

b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language.

c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.

d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.

e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

B. Provision of Bilingual/Interpretive Services

1. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement is met by using the services of bilingual County employees employed by the Department of Social Services and the Health Department.

The agency will provide language assistance at all levels of interaction with LEP individuals, including telephone interactions.

This requirement will be met by using the services of qualified bilingual County employees.

3. Interpreter Standards

a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:

- i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
 - ii. Can accurately and impartially interpret to and from such languages and English
 - iii. Can translate for existing agency staff.
 - iv. Demonstrates cultural competency
 - v. Understands the obligation to maintain confidentiality
 - vi. Understands the roles of interpreters and the ethics associated with being an interpreter
- By employing persons that are native Hispanic from Guatemala and Mexico.

b. Interpreters have training in the language required. When the agency staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.

4. Using Family Members or Friends as Interpreters

a. Applicants/recipients may provide their own interpreter; however the agency will not require them to do so.

b. The agency staff will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.

c. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.

d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DCA upon request.

5. The applicant/recipient will not be required to pay for bilingual/interpretive services.

C. Provision of Written Translations

1. The agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.

2. Translation of Vital Documents

a. The agency will ensure that vital documents for locally designed programs are translated into Spanish.

b. When DCA forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.

c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language.

d. The agency will keep a record of all vital documents translated, and will submit this information to DCA at their request.

3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.

D. Documentation of Applicant/Recipient Case Records

1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the County's compliance with this policy.

2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:

a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.

b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor and will provide this information to DCA upon request.

3. Consent for the release of information will be obtained from applicants/recipients when individuals other than County employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:

a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.

b. Cultural awareness information, including specific cultural characteristics of the groups served by the staff to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.

2. Catawba County will ensure training is provided for bilingual staff and interpreters employed or utilized by the County. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.

3. The agency staff will ensure that applicable applicants/recipients, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in informed of this policy by providing them with a copy of this LAP Policy.

4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreements recipients and other applicable funded entities collect and maintain such information as well.

Compliance Procedures, Reporting and Monitoring

A. Reporting

1. The agency will complete an annual compliance report and send this report to DCA.

B. Monitoring

1. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the DCA. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the DCA upon request.

2. The County will cooperate, when requested, with special review by the DCA .

Applicant/Recipient Complaints of Discriminatory Treatment

A. Complaints

1. The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
2. The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.
3. The agency will notify the appropriate Office or Division within DCA of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

B. Investigation

1. The DCA Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

C. Resolution of Matters

1. If the investigation indicates a failure to comply with the Act, the Catawba County Manager or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the DCA. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by DCA, then complaint will be forwarded to DOJ, HUD Field Office.

Submitted and Approved By:

9. Appointments:
Vice-Chair Lail recommended the reappointment of Harriett Bannon and Jane Murphy for third terms on the Western Piedmont Council of Governments Aging Advisory Committee. Vice-Chair Lail also recommended the appointment of Richard Smith for a first term on this Committee. These terms will expire on June 30, 2013.

Chair Barnes recommended the reappointment of Dr. John Eldridge for a fourth term on the Hickory Regional Planning Commission. Dr. Eldridge's term will expire on June 30, 2014. Chair Barnes also recommended the appointment of Larry Aiello for a first term to succeed Joe Long on the Catawba Valley Community College Board of Trustees. Mr. Aiello's term will expire on June 30, 2015.

These recommendations came in the form of a motion, which carried unanimously.

10. Consent Agenda:
County Manager J. Thomas Lundy presented the following four items on the consent agenda:
 - a. A request for Board approval of a budget revision to increase the current Finance Department budget by \$70,000, to account for ambulance billing fees associated with an increase in ambulance collections received in this fiscal year. Catawba County contracts with EMS Management Systems

June 20, 2011, MB#52

& Consultants, Inc. to provide billing, bill processing, fee collection and account management associated with ambulance charges. EMS Management has a net collection rate of approximately 83%, compared to a rate of 71% collected by in-house staff years ago. The County pays EMS Management a monthly fee of 8% of net ambulance collections and contracts with a collection agency that collects delinquent accounts on the County's behalf. A lower rate will be in effect beginning with the 2011-12 fiscal year. Through contract renegotiations, the rate was reduced from 8% to 6.5%. In addition, the North Carolina Debt Setoff program is used to collect delinquent accounts. The initial budget in the current fiscal year for ambulance fees was set at \$380,000; \$348,000 (8% of budgeted revenues of \$4,350,000) plus \$32,000 for collection of delinquent accounts. Based on revenues collected to date, staff estimates that current ambulance revenues will exceed \$5.2 million, an increase over budget of approximately \$850,000 in this fiscal year. This will result in an estimated additional \$70,000 in billing fees. The following appropriations apply:

Supplemental Appropriation:

Finance Department

Other Professional Services	110-170060-856900	\$70,000
Ambulance Charges Revenue	110-260150-671201	\$70,000

b. A request for the Board to appropriate \$1,595,455 from the Emergency Telephone Fund and transferred \$1,555,455 to the Justice Center/Public Safety Center project and \$40,000 to a new Microwave Link to Anderson Mountain Project to improve radio communications. In July 2010, the North Carolina General Assembly ratified House Bill 1691, which has impacted the 911 funds the County receives. A committee was formed that established a new funding model for distributing 911 funds to Primary Public Safety Answering Points (PSAPs), such as the County's Communications Center, based on data collected for the last five years of approved eligible expenditures reported to the North Carolina 911 Board. As a result, Catawba County will receive an annual allocation of \$502,077 in 911 funds beginning in fiscal year 2011-12. The Statute expanded the use of 911 funds, which includes furniture, chairs and radio consoles inside the building where a PSAP is located. In addition, this includes training for PSAP managers and supervisors, which was previously disallowed.

The legislation allows a one-time use, in FY 2010-11 and/or FY 2011-12, of 50% of the County's 911 fund balance, as of July 1, 2010, for *public safety* purposes. These funds may not be transferred into the General Fund, but must remain in the Emergency Telephone System Fund. As of July 1, 2010, the County had a fund balance of \$3,190,910 in the Emergency Telephone System Fund, with a one-time authorization to spend \$1,595,455 for *public safety* use. The County has spent approximately \$1.6 million in *public safety* expenditures in the current fiscal year from the General Fund and General Capital Projects Fund, for ambulances, ambulance equipment, Sheriff's Office vehicles, radios and other equipment. For these expenditures to qualify for the 50% one-time use of 911 funds, they must be transferred to the Emergency Telephone System fund. The net effect will reduce the 911 fund balance by \$1,595,455 as allowed in the statute, and increase the Justice Center/Public Safety Center project by \$1,555,455 and establish a new project to fund a microwave link to Anderson Mountain to improve radio communications, for \$40,000. The following appropriations apply:

Supplemental Appropriation:

202-280100-690100	911 Fund Balance Appropriated	\$1,595,455
202-280100-870100	Small Tool & Minor Equipment	\$487,862
202-280100-984000	Motor Vehicles	\$948,354
202-280100-985000	Other Equipment	\$159,239

410-460100-985000-12001	Justice Center/Public Safety Ctr.	\$1,144,843
410-460100-985000-12035	Microwave Link to Anderson Mt.	\$40,000
410-190050-695110	Transfer from General Fund	\$1,184,843

Transfer of Appropriations:

General Fund From:

110-210050-835025	Sheriff's Automotive Supplies	\$38,963
110-210050-842530	Sheriff's Repair & Maintenance	\$21,213

June 20, 2011, MB#52

110-210050-870100	Sheriff's Small Tools	\$17,075
110-220050-985000	Sheriff's Other Equipment	\$44,424
110-210050-984000	Sheriff's Motor Vehicles	\$334,061
110-260150-984000	EMS Motor Vehicles	\$614,292
110-260150-985000	EMS Other Equipment	\$114,815

General Fund To:

110-190900-995410	Transfer to Gen Cap Proj. Fund	\$1,184,843
-------------------	--------------------------------	-------------

General Capital Projects From:

410-460100-870100-12028	Small Tools - 800 MHz Radios	\$113,266
410-460100-982000-12028	DP Equip. - 800 MHz Radios	\$138,356
410-460100-985000-12028	Other Equip. - 800 MHz Radios	\$158,990

General Capital Projects To:

410-460100-985000-12001	Justice Center/Public Safety Ctr.	\$410,612
-------------------------	-----------------------------------	-----------

c. A request for Board approval of budget amendments to reclassify certain special revenue funds and change the revenue source for the Rescue Squad Fund. Governmental Accounting Standards Board (GASB) Statement 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, will be effective for the fiscal year ending June 30, 2011. One significant change from this Statement is a modification to the definitions of certain governmental funds. This will impact the County's treatment of its special revenue and capital project funds. Other changes include new classifications of fund balance for all funds: non-spendable, restricted, committed, assigned and unassigned.

According to GASB No. 54, a *Special Revenue Fund* is to be used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditures for specified purposes. A *Capital Project Fund* is used to account for and report financial resources that are restricted, committed or assigned to expenditures for the acquisition or construction of major capital facilities or assets. Three current Special Revenue Funds need to be reclassified to meet the new requirements. The *Reappraisal Fund*, which accounts for all of the activity related to the County's four-year revaluation, will now be treated as a sub fund to the General Fund, similar to the Self-Insurance Fund. The *Capital Reserve Fund*, which includes prior year reserves for capital outlay and economic development activity, will also be affected. The County will transfer \$225,156 of its fund balance to the General Capital Projects Fund for future capital needs and the remainder, as of June 30, 2011, to the General Fund for future economic development purposes. Finally, the *Hospital Capital Reserve Fund* will be reclassified and merged with the Hospital Construction Fund, which is a Capital Project Fund. The *Rescue Squad Fund* will remain a Special Revenue Fund. Its current revenue source comes from property taxes but is recorded as a transfer from the General Fund. Since the specific revenue must be recorded directly in the fund, a budget amendment is included to reclassify the revenue source from a transfer-in account to a property tax revenue account, which is a direct source.

d. A request for Board approval of changes to the Code of Ordinances, Chapter 2 (Administration) – Section 119 and Chapter 30 – Purchasing. The County Code related to Purchasing has not been updated in several years. Significant changes include:

Local Buying. A section is added to include language that the County Purchasing Office, along with County departments, will strive to provide local vendors and contractors an opportunity to quote and contract with the County, when feasible.

Evaluation. A section is added for evaluation of Request for Proposals. Eileen Youens, formerly with the UNC School of Government, prepared several documents related to ARRA and other federal funding. One publication titled "14 Keys to Federal Grants" states that a purchasing policy should establish a method for evaluating proposals and address how to develop evaluation criteria, how to form an evaluation committee and how to score proposals. This section is added to comply with federal funding requirements.

Construction Formal Bid Threshold. The North Carolina General Statutes were changed in 2002 to increase the formal bid threshold for formal construction projects to \$500,000. However, the County Purchase Code threshold for formal construction projects is \$300,000. The requested change to the code increases the bid threshold to reflect the General Statute threshold of \$500,000. Informal construction projects do not require advertisement, so informal bids could be solicited from local contractors along with required minority outreach efforts.

Surplus Library Books. A section is added to address the practice of the Friends for the Library of selling surplus and donated library material on behalf of the County. The Friends manage the proceeds and use the funds to provide new library materials and programs.

Chapter 2-199. The requested change corrects this section to reflect an early code change to Chapter 30 authorizing the County Manager to award formal bids of less than \$250,000.

The following ordinance changes apply:

Ordinance No. 2011-

BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 2 – Administration, Article III - Officers and Employees, Division 2 – County Manager is amended to read as follows:

Sec. 2-119. - Authorization to award and reject bids.

(a) Pursuant to G.S. 143-129, the county manager is authorized to award formal bids received in amounts less than \$250,000.00 within the following guidelines:

- (1) The bid is awarded to the lowest responsible bidder.
- (2) Sufficient funding is available within the departmental budget.
- (3) The purchase is consistent with the goals and/or outcomes of the department.
- (b) The county manager shall further be authorized to reject any and/or all bids received if it is in the best interest of the county.
- (c) A report shall be made to the board of commissioners of all bids awarded or rejected under this section and entered in the minutes of its formal sessions.

(Code 1995, § 16.09)

This the 20th day of June, 2011.

Formatted: Centered, Indent: Left: 1"

Formatted: Font: (Default) Arial, 10 pt, Bold

Formatted: Font: (Default) Arial, 10 pt, Superscript

ORDINANCE NO. 2011-

BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 30 – Purchasing is hereby amended to read as follows:

Chapter 30 - PURCHASING*

Editor's note—Ord. No. 2005-10, adopted Sept. 6, 2005, amended ch. 30 in its entirety and enacted similar provisions as set out herein. The former ch. 30 derived from Code 1995, §§ 230.01—230.22.

Cross reference—Administration, ch. 2.

State law reference—Authority of county to enter into multiyear contracts, G.S. 153A-13.

[Sec. 30-1. - Definitions.](#)

[Sec. 30-2. - Jurisdiction; authority.](#)

[Sec. 30-3. - Purpose.](#)

[Sec. 30-4. - Responsibility of purchasing manager.](#)

[Sec. 30-5. - Departmental working relationship.](#)

[Sec. 30-6. - Exchange of information.](#)

[Sec. 30-7. - Formal bids.](#)

[Sec. 30-8. - Request for proposal \(RFP\).](#)

[Sec. 30-9. - Evaluation.](#)

[Sec. 30-10. - Formal bid and request-for-proposal monetary limits.](#)

[Sec. 30-11. - Formal bid exceptions.](#)

[Sec. 30-12. - Informal bids.](#)

[Sec. 30-13. - Award of bid.](#)

[Sec. 30-14. - Contracts.](#)

[Sec. 30-15. - Vendor relationships.](#)

[Sec. 30-16. - Surplus property, in rem and complaint foreclosure on land, damaged property.](#)

[Sec. 30-17. - Central warehouse.](#)

[Sec. 30-18. - Emergency purchases.](#)

[Sec. 30-19. - Federal government surplus store.](#)

[Sec. 30-20. - Use of purchasing procedures and purchasing office required.](#)

[Sec. 30-21. - Purchasing procedures.](#)

[Sec. 30-22. - Completion of disbursement voucher form.](#)

[Sec. 30-23. - Procurement card procedures.](#)

Sec. 30-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative contracting method means local governments can seek authority to modify bidding requirements for particular projects, specifically design-build projects for building construction.

Appropriation means an authorization granted by the board of commissioners to make expenditures and to incur obligations for specific purposes.

Appropriation account means a budgetary account set up to record specific authorizations to spend. The account is credited with original and any supplemental appropriations and is charged with expenditures and encumbrances.

Bid means a quotation specifically given a prospective purchaser upon request, usually in competition with other vendors.

Budget document means the instrument used by the budget-making authority to present a comprehensive financial program to the appropriating body.

Construction management-at-risk means services are provided by a construction manager, which may include preparation and coordination of bid packages, scheduling, cost control, value

engineering, evaluation, preconstruction services and construction administration.

Contract means a legal agreement between the county and another governmental agency, company, corporation, individual or group of individuals obligating the county to pay money for services rendered or products.

Department/agency head means the highest level of supervision and coordination within a program area.

Dual bidding means bids may be received to erect, construct, alter or repair a building under both the single-prime and separate-prime contracting systems, and the contract shall be awarded to the lowest responsible bidder under the single-prime or the lowest responsible bidder under the separate-prime system.

Electronic auction means an auction of surplus property conducted on an internet site.

Fiscal year means a 12-month period of time to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations.

Force account means work performed by county employees that would ordinarily be performed by outside contractors.

Information technology means electronic data-processing goods and services and telecommunications goods and services, microprocessors, software, information processing, office systems, and related services and consulting or other services for design or redesign of information technology supporting business processes.

Minority business means a business of which at least 51 percent is owned by one or more minority persons or socially and economically disadvantaged individuals or, for a corporation, in which at least 51 percent of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals, and of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.

Petty cash means a sum of money set aside for the purpose of making change or paying small obligations for which the issuance of a formal voucher and check would be too expensive and time-consuming or where the use of a procurement card is not feasible.

Preaudit means an examination for the purpose of determining the propriety of proposed financial transactions and financial transactions which have already taken place but which have not yet been recorded or, if such approval is required, before the approval of the financial transactions by designated officials for recording.

Purchase order means a legal document binding a vendor to provide a service or product and the county to pay a specified price.

Purchasing manager means one who purchases for another; one who is authorized by a County to negotiate contracts with vendors.

Quote means to state a price for goods or services.

Separate-prime means bids for building projects are received for each subdivision of work:

- (1) Heating, ventilating and air conditioning;
- (2) Plumbing;
- (3) Electrical; and

(4) General.

Single-prime means bids for building projects are received from one contractor. The single-prime contractor performs all work or contracts with subcontractors for heating, ventilating and air conditioning; plumbing; and electrical.

Sole-source item means when an item is of such a special nature that it is only manufactured by one company.

Surplus property means items which are obsolete or are no longer of any value to the county.

Unencumbered balance means that portion of an appropriation which has not been expended or obligated through issuance of a purchase order.

Vendor means one who sells a commodity or a service.

Voucher means a document which evidences the propriety of transactions and indicates the accounts against which they are to be recorded.

(Ord. No. 2005-10, 9-6-2005)

Cross reference—Definitions generally, § 1-2.

Sec. 30-2. - Jurisdiction; authority.

(a) The securing of goods and services necessary to the operation of county government is a major administrative responsibility. Under the supervision of the finance director, this function of county government is the primary responsibility of the purchasing office.

(b) Statutory provisions regulating purchasing by local governments are contained primarily in G.S. 143-129—143-135. Other specific duties, responsibilities and authorities are contained in G.S. chs. 14, 44, 66, 75, 87, 105, 153, 160A, and 159, the Local Government Budget and Fiscal Control Act. By virtue of these statutes, the county is empowered to enter into contracts for the procurement of materials and services. The board of commissioners has full budget authority to sign such contracts. Authority to sign contracts for procurement of supplies and services has been delegated to the county manager.

(c) Prior to (i) entering into any agreement, (ii) making any purchase, the county must first have funds appropriated to meet financial obligations. Contracts or purchase orders requiring the payment of funds, for supplies or materials, may not be made unless a proper appropriation appears in the budget and a sufficient unencumbered balance remains in the appropriation.

(Ord. No. 2005-10, 9-6-2005)

State law reference—Budgetary accounting for appropriations, G.S. 159-28.

Sec. 30-3. - Purpose.

(a) The purchasing function is a service-oriented activity. As such, it exists to serve the needs of operating departments/agencies in county government.

(b) This chapter makes reference to statutory provisions of state law. The provisions contained in this chapter reflect the current laws. It is intended that these provisions will always duplicate whatever changes occur in state law, and such provisions will be administratively updated at that time.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-4. - Responsibility of purchasing manager.

- (a) The basic responsibilities of the purchasing manager are to:
 - (1) Purchase goods and materials in accordance with established law and local policy; and
 - (2) Operate a consolidated purchase function for the county.
- (b) The purchasing manager has the responsibility to advise of the suitability, quality or quantity of equipment, material or supplies requested and can refer such requests to the finance director and county manager for approval. The purchasing office is charged with obtaining vendor quotations, terms, delivery codes, initiating contracts, initiating and completing all formal and informal bid proceedings, maintaining an accurate inventory of central supply, disposing of surplus property in accordance with resolutions of the board of commissioners and issuing purchase orders.
- (c) Any participation in the purchasing process by departments must be with the full knowledge and agreement of the purchasing manager.
- (d) All state and local governmental officers and employees are prohibited from entering into any contracts involving the units they serve when any such officer or employee or a firm in which he has a financial interest has a private interest in the contract, except when that private interest:
 - (1) Involves a bank or banking institution, a savings and loan association, or a regulated utility; or
 - (2) Provides supplies, services, or facilities to needy persons under state and federal aid programs.

(Ord. No. 2005-10, 9-6-2005)

State law reference—Participation of a public officer in business transactions involving public funds, G.S. 14-234.

Sec. 30-5. - Departmental working relationship.

- (a) As a service agency for the county, it is the desire of the purchasing office to establish and maintain at all times a close working relationship with each department. It is essential that an attitude of mutual cooperation and understanding exist between the user department and the purchasing office. The following guidelines will promote mutual assistance:
 - (1) The user departments should:
 - a. Maintain a close check on supplies and stock.
 - b. Forecast any future purchasing requirements.
 - c. Request well in advance of needs whenever possible.
 - d. Eliminate all unnecessary emergency or rush purchasing.
 - e. Alert purchasing regarding late deliveries.
 - f. Examine items received for quality, quantity, and the like.
 - g. Report promptly to the purchasing office any deviations in orders received.
 - h. Submit by written memorandum complaints against vendors.
 - i. Indicate to purchasing the exact needs of the user department when equipment or special orders requiring written specifications are involved.

j. Forward a copy of quotes obtained to the purchasing office for the purpose of maintaining a record.

(2) The purchasing office should:

- a. Check with user departments on needs when placing consolidated orders.
- b. Inform departments of contracts that might be utilized.
- c. Advise departments of predicted shortages, price changes or other pertinent market or vendor data.
- d. Expedite emergency purchases as rapidly as possible in order that normal operations of a department not be disrupted.
- e. Contact vendors on late deliveries and report findings to ordering departments.
- f. Mediate between the user department and the supplier on partial deliveries, cancellation, return of merchandise, and complaints.
- g. Consult with the originating department when technical equipment, special order specifications, plans or designs are involved.
- h. Inform the ordering department head and/or his delegate of formal or informal prebid conferences and bid openings.
- i. Review with department head the bids and prices received; consider their preference before making recommendations for award or purchase.

(b) From the initial request to delivery of the order, the purchasing office should coordinate all action toward accomplishing the desired goal for efficient procurement of items/services requested by county departments. Only through a harmonious working association can the purchasing office effectively function as a support service for the departments.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-6. - Local Buying. According to NCGS 143-129(b) the County has no authority to establish preferences of any kind and are bound by law to award to the "lowest responsible bidder, taking into consideration quality, performance and time specified in the proposals for the performance of the contract."

However, it is the desire of the County to contract with vendors and contractors located within Catawba County whenever possible. The purchasing division shall update departments of new local vendors and contractors and encourage departments to obtain quotes from local vendors when appropriate.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-7. - Formal bids.

All formal bids will be sent out by the purchasing manager as the authorized representative of the county. Bids will be opened and tabulated by the purchasing manager. When architects or engineers are employed to perform this service on construction bids, the purchasing manager should be present at openings when possible, receive copies of the public notice and bids and prepare a recommendation for the award of a bid. Certain requirements must be followed in the formal bid process:

(1) Written specifications must be prepared. Efficient purchasing practices require buying in accordance with carefully developed specifications. For purchases of fairly standard items, development of elaborate specifications is not necessary, but simple, standard specifications are in order. Good, clear specifications are an essential aspect of competitive bidding. Quality and service are as important as price; therefore, specifications are needed that will fulfill but not exceed the requirements for which the items and/or services are intended. A general policy should be followed which would encourage the purchasing of a good, standard product which represents the best relationship between quality and price while providing a satisfactory level of service. Specifications are prepared by the purchasing office with input from the ordering department to ensure that the products purchased fill the need. A lengthy specification designed solely for the purpose of eliminating competition, other than those able to supply a particular brand name, will not be permitted. Brand names should be used only when no other product would be satisfactory.

(2) Bids must be advertised for prospective bidders. Advertisements must be published on the county's web site so there are seven full days between the date of the publication and the date of the opening of the bids. It will be purchasing's responsibility to maintain a vendor list and notify all parties on the vendor list for applicable projects. The advertisement must contain the time and place where plans and specifications may be obtained and the time and place for opening of the proposals. On all construction contracts, the advertisement must also contain a notice that bidders must be properly licensed under G.S. ch. 87.

(3) Prospective bidders must submit sealed bids. Unless the invitation to bid states differently, bids must be sealed and the contents must not be disclosed or exhibited prior to the time set for the bid opening.

(4) Except under the conditions in subsections (4)a. and b., the board of commissioners must accept bids and award contracts. Bid results must be presented to the board of commissioners for acceptance and award. The board of commissioners reserves the right to reject any or all proposals.

a. The county manager is authorized to award formal bids for purchase contracts in amounts less than \$250,000.00 within the following guidelines:

1. The bid is awarded to the lowest responsible bidder.
2. Sufficient funding is available within the department.
3. The purchase is consistent with the goals and/or outcomes of the department.
4. Project is approved in the budget.

The county manager is further authorized to reject any and/or all bids received less than \$250,000.00 if it is in the best interest of the county. A report shall be made to the board of commissioners of all bids awarded and rejected under this subsection and entered in the minutes of its formal sessions

b. Bids may be rejected for any reason determined by the board or the county manager, under his authority, for any reason determined to be in the best interest of the unit. However, the bid shall not be rejected for the purpose of evading the provisions of G.S. 143-129.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-8. - Request for proposal (RFP).

Requests for proposals (RFPs) are normally used in lieu of formal bids when the services of a professional are required by the county, including, but not limited to, accountants (CPAs), attorneys, and doctors. Certain procedures must be followed when utilizing the request for proposals:

- (1) Requests for proposals should be drawn up by the appropriate department with the

assistance of the purchasing office in such manner as the department deems appropriate to solicit responses from providers.

(2) The request for proposals should be distributed to potential contractors by the purchasing office.

(3) After the purchasing manager and the department have evaluated the request for proposals and decided on a particular individual or firm, a contract and purchase order will be issued. If a contract is used, it must first be sent to the legal department to approve as to form and to finance director for preaudit.

(4) The request for proposals process may also be used for the purchase of information technology goods and services. In such cases, the process must meet the following minimum requirements:

- a. Notice of the request for proposals shall be given in accordance with G.S. 143-129(a).
- b. Contracts shall be awarded to the person who or entity that submits the best overall proposal as determined by the awarding authority. Factors to be considered in awarding contracts shall be identified in the requests for proposals. The "best value" process as stipulated in G.S. 143-135.9 may be used to award the contract. The term "best value procurement" means the selection of the contractor based on a determination of which proposal offers the best trade-off between price and performance, where quality is considered an integral performance factor.
- c. County staff may negotiate with any proposer in order to obtain a final contract that best meets the needs of the county. Negotiations allowed under this section shall not alter the contract beyond the scope of the original request for proposals in a manner that:
 1. Deprives the proposers or potential proposers of a fair opportunity to compete for the contract; and
 2. Would have resulted in the award of the contract to a different person or entity if the alterations had been included in the request for proposals.

Proposals submitted under this section shall not be subject to public inspection until the contract is award pursuant to G.S. 143-129.8.

(Ord. No. 2005-10, 9-6-2005)

Sec 30.9 – Evaluation

(1) Selection Committee: The Purchasing Manager will work with the department head that has primary responsibility for the items/services being procured and will designate the selection committee chairperson and members. The size of the selection committee is dependent on the nature and scope of the project.

(2) Evaluation Criteria: Evaluation criteria are the factors used to determine which proposal best meets the requirements identified in the RFP. In establishing effective evaluation criteria, a department must clearly identify the factors relevant to its selection of a vendor and then prioritize or weigh these factors according to their importance in satisfying the established criteria. Together, the proper identification and weighing of the evaluation criteria will form an evaluation plan, which will provide a common standard by which to judge the merit of competing responses. This allows ranking the proposals while simultaneously providing respondent's with a fair basis for comparison. Evaluation criteria should be individually tailored to each RFP. Evaluation criteria should reflect the department's minimum needs and should not be so restrictive as to limit competition. Evaluation criteria often encompass such factors as price or cost, technical excellence, management capability, personnel qualifications, experience and past performance. While price or cost must be included and will be a factor, price or cost need not be the deciding factor in all acquisitions.

(3) Responses should be evaluated based on pre-defined criteria and weighting methods. In most cases, the evaluation criteria are to be published in the RFP document but not their associated values and weights. RFP's involving information technology goods and services (N.C.G.S 143.129-8) are required to include the criteria in the RFP document.

(4) The evaluation committee should meet to distribute proposals, review evaluation methods, scoring sheets, and discuss the scoring and review process. Once the proposals have been evaluated and scored by each evaluator, the committee should meet again and the following events should occur:

a) A master-scoring sheet should be compiled with the total score for each proposal by each evaluator or the committee as a whole, depending on the evaluation method used.

b) Oral presentations or demonstrations may be needed in certain cases for clarifications or if additional information is needed. These sessions will be conducted using the following guidelines:

1) All members of the evaluation committee should be present during oral presentations and interviews.

2) Time limits for oral presentations will be equal in length.

3) Interviews are to be conducted and controlled by the selection committee chairperson.

No information concerning a vendor's response or the evaluation progress will be provided to anyone outside the evaluation process or other County staff. Questions concerning the dissemination of information should be directed to the Purchasing Manager.

Sec. 30-10. - Formal bid and request-for-proposal monetary limits.

(a) *When required.* Formal procedures must be followed when the purchase requires an estimated expenditure of \$90,000.00 or more. For construction, repairs and renovation, formal bid procedures must be followed if the project requires an estimated expenditure of \$500,000.00 or more, except where the work is to be done by county personnel (force account) and the total cost of the project will not exceed \$125,000.00, including all direct and indirect costs, or if the labor does not exceed \$50,000.00. Bidding requirements will still apply to apparatus, supplies, materials or equipment purchased for use on force account projects. Force account labor must be approved by the board of commissioners, and a record of all costs must be maintained for public inspection.

(b) *Minority contractors; separate specifications and contracts.* If the cost for the construction of a building is estimated at \$300,000.00 or more, the county has established a five-percent goal for participation by minority contractors in the total value of work for which a contract is awarded pursuant to G.S. 143-128. In addition, for projects totaling \$300,000.00 or more, separate specifications and contracts must be prepared for the following areas of work:

- (1) Heating, ventilating, air conditioning and accessories and/or refrigeration for cold storage (where the cooling load is 15 tons or more of refrigeration);
- (2) Plumbing and gas fittings and accessories;
- (3) Electrical wiring and installations; and
- (4) General work not included in the three areas in subsections (1) through (3).

(c) *Contracting methods.* For building construction or building repair projects \$300,000.00 and above, bids may be received by using (i) single-prime, (ii) separate-prime, (iii) dual bidding, (iv) construction management-at-risk contract or (v) alternative contracting methods authorized pursuant to G.S. 143-135.26(9) in accordance with the following:

(1) *Single-prime.* All bidders in a single-prime project shall be required to identify on their bid the contractors they have selected for the subdivisions or branches of work for: heating, ventilating, and air conditioning; plumbing; electrical; and general. The contract shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, and compliance with G.S. 143-128.2. A contractor whose bid is accepted shall not substitute any person as subcontractor in the place of the subcontractors listed in the original bid, except:

- a. If the listed subcontractor's bid is later determined by the contractor to be nonresponsive or nonresponsive, or the listed subcontractor refuses to enter into a contract for the complete performance of bid order; or
- b. With the approval of the board of commissioners for good cause shown by the contractor.

When a contract is awarded using the single-prime method, the county shall make the dispute resolution process available to subcontractors.

(2) *Separate-prime.* Bids shall be accepted for each subdivision of work for which specifications are required to be prepared, and bids shall be awarded separately to responsible and reliable persons regularly engaged in their respective lines of work. Each separate contractor shall be directly liable to the county and to the other separate contractors for the full performance of all duties and obligations due under the terms of the contract. Contracts shall be awarded to the lowest, responsible, responsive bidders, taking into consideration quality, performance, the time specified in the bids for performance of the contract and compliance with G.S. 143-128.2.

(3) *Dual bidding.* Bids may be received to erect, construct, alter or repair a building under both the single-prime and separate-prime contracting systems, and the contract shall be awarded to the lowest responsible, responsive bidder under the single-prime system or to the lowest responsible, responsive bidder under the separate-prime system, taking into consideration quality, performance and compliance with G.S. 143-128.2 and time specified in the bids to perform the contract. In determining the system under which the contract will be awarded to the lowest responsible, responsive bidder, the cost of construction oversight, time for completion, and other factors the county considers appropriate may be considered. The bids received as separate-prime bids shall be received, but not opened, no less than one hour prior to the deadline for the submission of single-prime bids. The amount of a bid submitted by a subcontractor to the general contractor under the single-prime system shall not exceed the amount bid, if any, for the same work by that subcontractor under the separate-prime system.

(4) *Construction management contracts.*

a. *Construction management services.* The term "construction management services" means services provided by a construction manager, which may include preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services, and construction administration.

b. *Construction management-at-risk services.* The term "construction management-at-risk services" means services provided by a person who:

1. Provides construction management services for a project throughout the preconstruction and construction phases;
2. Is licensed as a general contractor; and
3. Guarantees the cost of the project.

c. *Construction manager-at-risk.* The construction manager-at-risk shall contract directly with the county for all construction, shall publicly advertise, and shall prequalify and accept bids from first-tier subcontractors for all construction work. The construction manager-at-risk shall address quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, capacity to perform, and other factors deemed appropriate by the county. The county shall require the construction manager-at-risk to submit its plan for compliance with G.S. 143-128.2 for approval by the board of commissioners prior to soliciting bids for the project's first-tier subcontractors. A construction manager-at-risk and first-tier subcontractors shall make a good faith effort to recruit and select minority businesses for participation in contracts pursuant to G.S. 143-128.2. A construction manager-at-risk may perform a portion of the work only if:

1. Bidding produces no responsible, responsive bidder for that portion of the work, the lowest responsible bidder will not execute a contract for the bid portion of the work or the subcontractor defaults and a prequalified replacement cannot be obtained in a timely manner; and
2. The county approves of the construction manager-at-risk's performance of the work.

All bids shall be opened publicly and once they are opened are public records. The construction manager-at-risk shall act as the fiduciary of the county in handling and opening bids. The construction manager-at-risk shall award the contract to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for the performance of the contract, the cost of construction oversight, time for completion, compliance with G.S. 143-128.2, and other factors deemed appropriate by the county and advertised as part of the bid solicitation. The county may require the selection of a different first-tier subcontractor for any portion of the work, provided the construction manager-at-risk is compensated for any additional cost incurred. When contracts are awarded using this method, the county shall provide for a dispute resolution procedure as provided in G.S. 143-128(g). The construction manager-at-risk shall provide a performance and payment bond to the county.

(5) *Alternative contracting method.* Local governments can seek authority to modify bidding requirements for particular projects, specifically design-build projects for building construction.

(d) *Performance and payment bonds.* When a project exceeds \$300,000.00, performance and payment bonds are required for each contract that exceeds \$50,000.00. No bid for construction or repair work valued at \$300,000.00 or above may be considered or accepted unless, at the time of the submittal, it is accompanied by a deposit in the form of cash or certified check, in an amount equal to not less than five percent of the proposal. In lieu of making a cash deposit, the bidder may file a bid bond executed by a corporate surety licensed under the laws of the state. The successful contractor shall be required to submit performance and payment bonds to secure the faithful performance of the terms of the contract and the payment of all sums due for labor and materials.

(e) *Reporting requirements.* County staff shall report to the secretary of the department of administration the cost and effectiveness of the method used under this section. Reports shall include the following information:

- (1) The method used;
- (2) The total value of each project;
- (3) The bid costs and relevant post bid costs;
- (4) A detailed listing of all contractors and subcontractors used on the project, including identification of whether the contractor was an out of state contractor; and
- (5) When an out-of-state contractor was used, the reasons why the contractor was selected.

The reports must be filed annually beginning April 1, 2003, and thereafter must be filed in the year in which the project is completed.

(f) *Dispute resolution for building construction projects.* The county shall provide dispute-resolution procedures for all building construction or repair projects. The dispute-resolution procedures are available to all parties involved in the construction project, including the architect, the construction manager, and the contractors, including all levels of subcontractors, and are available for any issue arising out of the contract or construction process as long as the matter in dispute is \$15,000.00 or more. See dispute-resolution policy.

(g) *Minority participation for building construction projects (formal bids).*

(1) Contractors, including first-tier subcontractors on construction management-at-risk projects, must identify on their bids the minority businesses they will use on the project and the total dollar value of the bid that will be performed by minority businesses. They must also include an affidavit listing the good-faith efforts they have made. If contractors intend to perform all of the work with their own forces, they may submit an affidavit.

(2) After bids are received, the apparent lowest responsible bidder must provide either:

a. An affidavit describing the portion of the work to be executed by minority businesses, expressed as a percentage of the total contract amount showing a percentage equal to or more than the applicable goal on the project; or

b. Documentation of good-faith efforts to meet the goal, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

(3) Within 30 days after a contract is awarded, the successful contractor must list all identified subcontractors that will be used on the project. Failure to provide the affidavit or documentation required to demonstrate good faith efforts is grounds for rejection of a bid.

(4) A subcontractor may not be replaced except:

a. When the subcontractor's bid is determined to be nonresponsible or nonresponsive or the subcontractor refuses to enter into a contract for the complete performance of the work; or

b. With the approval of the county for good cause.

When selecting a substitute contractor, the contractor must make and document good faith efforts. See guidelines and minority outreach plan, on file in the county offices.

(Ord. No. 2005-10, 9-6-2005)

State law reference—Authority of county to lease real property and to employ county personnel under certain circumstances, G.S. 153A-165, 143-135.

Sec. 30-11. - Formal bid exceptions.

Formal bids are not required for the following:

- (1) State of emergency. The board of commissioners may set aside the normal requirements in an emergency involving the health and safety of people or their property. In such cases, the board of commissioners may let contracts as necessary in its discretion.
- (2) If a contract for the purchase, lease or other acquisition of any apparatus, supplies, materials or equipment is with the:
 - a. United States of America or any agency thereof; or
 - b. Any other governmental unit or agency thereof within the United States.
- (3) A project is exempt from formal bidding if it is a construction project that will not cost more than \$125,000.00, including all direct and indirect costs, or if the labor does not exceed \$50,000.00 and the work is to be done by the forces of the governmental unit involved. Bidding requirements will still apply to apparatus, supplies, materials or equipment purchased for use on force account projects. Force account labor must be approved by the board of commissioners, and a record of all costs must be maintained for public inspection.
- (4) Exemption from bidding is allowed for purchases from contractors who have, within the past 12 months, contracted to furnish the desired item to the federal government or any federal agency, another state government or agency, another local government or agency. The contractor must be willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency. A prior contract must have been let under public bidding process substantially similar to G.S. 143-129, and the board of commissioners must approve the contract at a regular meeting on ten days' notice, notwithstanding delegation of authority to award contracts. Notice may be published by electronic means.
- (5) Purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively bid purchasing services at discount prices to two or more public agencies.
- (6) Purchases using contracts established by the state or any agency of the state, if the contractor is willing to extend to a political subdivision of the state the same or more favorable prices, terms, or conditions as established in the state contract.
- (7) Purchase of used apparatus, supplies, materials, or equipment. For purposes of this subsection, remanufactured or refabricated apparatus, supplies, materials, or equipment are not deemed to be "used," and are not included in this exception.
- (8) Guaranteed energy savings contracts, which are governed by G.S. 143-64.10 et seq.
- (9) Purchase of information technology using contracts established by the state office of information technology services as provided in G.S. 147-33.82(b) and 147-33.92(b).
- (10) Purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas. These purchases are subject to G.S. 143-131.
- (11) In accordance with G.S. 143-129, single-source items are exempt from bid procedures when performance or price competition for a product are not available, when a needed product is available from only one source of supply, or when standardization or compatibility is the overriding consideration. This subsection requires action by the board of commissioners notwithstanding delegation of authority to award contracts and requires a record of justification for use of the

exemption.

(Ord. No. 2005-10, 9-6-2005)

State law reference—Exemptions from formal bid requirements, G.S. 143-129, 143-135.

Sec. 30-12. - Informal bids.

(a) Informal bids are distinguished from formal bids by the following:

(1) The dollar amount to be purchased is less than \$90,000.00 or construction/repair work for expenditures is less than \$500,000.00.

(2) Written specifications are not required.

(3) Advertising for bids is not necessary.

(4) Written, sealed bids need not be submitted.

(5) Informal bids received shall remain confidential until the bid is awarded.

(b) . Three quotes should be obtained for purchases between \$5,000.00, and \$90,000.00 for purchases of supplies and equipment unless it is a sole source item. For purchases of supplies and equipment between \$5,000.00 and \$30,000.00, the three-quote requirement can be waived with the approval of the purchasing manager. If quotes have been attempted and the item can only be obtained from one source, the informal purchase is accomplished by a fair and reasonable acceptance of the product by the department head affected and the purchasing manager.

(1) The officer who receives such bids is to keep a record of all bids submitted and have these available for public inspection. This record shall include the company name, the contact person, the item quoted and the date the quote was received.

(2) When informal bids are received by a department, the quotes received should be listed on the purchase order and a copy forwarded to purchasing.

(c) Informal building construction and repair projects are accomplished by obtaining three written quotations for projects between \$30,000.00 and \$500,000.00. For building construction or repair contracts in the informal range, between \$30,000.00 and \$500,000.00, minority business contractors shall be solicited.

(Ord. No. 2005-10, 9-6-2005)

State law reference—Bids to be available for inspection, G.S. 143-131.

Sec. 30-13. - Award of bid.

(a) After receipt and evaluation of formal bid proposals, the purchasing manager shall make a recommendation to the county manager for purchases \$250,000.00 or less for projects approved in the budget. Such recommendation shall endorse the lowest responsible, responsive bidder, taking into consideration the following:

(1) Price.

(2) Quality.

(3) Performance.

(4) The time specified in the bid proposal for the performance of the contract (delivery or completion date).

(b) Award of a bid by the board of commissioners or the county manager will result in execution of a purchase order and/or a contract. In general, a purchase order is used for a one-time purchase of supplies, equipment or services and for minor construction work. A contract and purchase order is used for nonprofessional services required over a period of time, for all professional services and for significant construction jobs.

(c) Though dollar amounts generally determine whether formal or informal procedures are required, such practices may also be followed for purchases below the minimum cost in each category. The objective of the purchasing office is to secure with efficiency what is needed, when it is needed, and at the lowest reasonable cost. Competitive bidding can save dollars regardless of the estimated purchased amount.

(d) The purchasing office must prepare or oversee the preparation of the specifications, hold a prebid conference when applicable, advertise for bids, and conduct the bid opening. Recommendations for bid award must be taken to the county manager for purchases less than \$250,000.00 for projects approved in the budget for approval. It is important that ordering departments anticipate needs timely and allow enough time after the request is submitted for the entire purchasing process to be completed whenever formal bid procedures must be followed.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-14. - Contracts.

All contracts proposed by any county department/agency must be preaudited prior to execution as required by G.S. 159-28. In compliance therewith the following procedures relative to contracts will apply:

(1) All contracts should be sent to the finance director for preaudit as follows:

"This Instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act."

Finance Director

(2) A purchase order shall be issued for all contracts when county funds will be expended.

(3) The contract will be sent to the staff attorney for approval as to form, prior to execution.

(4) A copy of the contract will be maintained in the purchasing manager's office and the original returned to the department head.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-15. - Vendor relationships.

The purchasing/vendor relationship is one of mutuality. The promotion of good relations with vendors is an important function of the purchasing manager. Therefore, it is essential that the purchasing manager be aware of all transactions between the county and its vendors. The using departments/agencies should not be burdened with visits from vendors or their representatives nor with the work of purchasing. Much time shall be saved by complying with the following procedures:

(1) All vendors' representatives are received by the purchasing office promptly and courteously.

(2) The purchasing office will arrange interviews between vendors' representatives and other departments of the county.

(3) The purchasing office will forward to departments and division heads useful information

obtained from interviewing, direct mail and advertising.

(4) When department/agency heads are visited by sales representatives, they should ascertain whether they have been sent to them from the purchasing manager. If not, they should be referred to the purchasing office.

(5) Department contacts with vendors or their representatives may be necessary to gain information, such as availability of materials and services, delivery and manufacturing time, demonstrations and specifications.

(6) The county is not bound by any commitment to a vendor by a department. Any such commitment shall be the exclusive responsibility of such department.

(7) The purchasing office shall maintain an up-to-date bid list of all vendors requesting to do business with the county. This list shall be made available to all departments.

(8) Commitment of county funds without an approved purchase order or preaudited contract is prohibited, and such commitment will not be honored for payment as provided by G.S. 159-28.

(9) The county will not knowingly negotiate with any contractor or vendor which has been deemed by the Equal Employment Opportunity Commission to be in noncompliance with equal employment opportunity laws.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-16. - Surplus property, in rem and complaint foreclosure on land, damaged property.

(a) If county property with a fair market value of \$1,000.00 or more becomes surplus to the county's needs due to obsolescence, end of useful life, or for any other reason deemed appropriate by the county, such property will be disposed of by means most advantageous to the county. This includes tangible personal property, buildings and structures, and real estate acquired in foreclosure proceedings for nonpayment of property taxes.

(b) Property with an original value of \$5,000.00 or more must be declared surplus on a fixed asset form furnished by accounting. The completed form is approved by the department head and forwarded to the purchasing office. A work order should be completed by the department head and forwarded to the purchasing office. Purchasing will then determine if any other department needs the item; if not, the work order will be forwarded to maintenance so the items can be picked up and stored. The purchasing office then forwards the fixed asset form to accounting to update fixed assets. Once the property is disposed of, a list is then forwarded to accounting.

(c) Disposal of surplus property is the responsibility of the purchasing office and is accomplished by trade-in at the time new equipment is purchased; transfer to another county agency; sale by public auction, electronic auction, private negotiation and sale; advertisement for sealed bids; negotiated offer, advertisement, and upset bid; or exchange. Trade-ins with purchase are specifically authorized and exempted from otherwise applicable statutes governing disposal of surplus property. A fixed asset form should be submitted for property that is traded in, when applicable. Award of the bid may be based on both the purchase of equipment and the sale of trade-in property, taking into consideration the amount offered on the trade-in when applying the criteria for award established in G.S. 143-129. Notice for public auction for real or personal property may be by electronic means.

(d) If it is determined that trade-in is not to the advantage of the county, the surplus property will be offered to all other county agencies on an equal basis. A written notice of availability with a description of the surplus property will be distributed to all departments. Should an agency advise the purchasing office of an interest in the item, the purchasing manager will transfer to that agency the equipment on a request of need.

(e) If the property is neither traded nor transferred, it is offered for sale by public auction, electronic auction, private negotiation and sale; advertisement for sealed bids; negotiated offer, advertisement, and upset bid; or exchange.

(f) When the value of personal property is less than \$10,000.00 for any one item or group of items, the purchasing manager is authorized and may declare items surplus. When the value of personal property is between \$10,000.00 and \$30,000.00 the county manager is authorized and may declare items surplus. The county manager and/or the purchasing manager shall determine the fair market value, taking into consideration the present market value, depreciation, condition of the property, and other factors affecting value. After a determination of the fair market value, the purchasing manager, by any manner deemed necessary, is authorized to sell or exchange any property for fair market value and has full authority to convey good title to the property. A record of all transactions shall be kept generally describing the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange. The county manager and/or the purchasing manager may discard any personal property that:

- (1) Is determined to have no value;
 - (2) Remains unsold or unclaimed after the county has exhausted efforts to sell the property using any applicable procedures; or
 - (3) Poses a threat to the public health or safety.
- (g) Any county employee who has the responsibility of declaring an item to be surplus property shall not purchase or obtain the item under any circumstances for personal use.
- (h) Surplus library books. Each branch library has a Friends of the Library organization. Library staff shall have the authority to transfer surplus and donated library materials to the Friends of the Library. Further, the Friends of the Library shall have the authority to sell donated or discarded county books on behalf of the county pursuant to G.S. 266(c). The Friends of the Library shall use the proceeds to purchase new library materials and programs.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-17. - Central warehouse.

The central warehouse was established to reduce the volume of paperwork generated to obtain a small number of repetitive items and to accelerate delivery time of these items. The central warehouse stocks printed forms and items bearing the name, seal, and other logotypes symbolizing the county, commonly known as county logo items. The procedure for ordering warehouse supplies is outlined in section 30-21(2).

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-18. - Emergency purchases.

(a) Emergency purchasing permission is granted only in extreme cases. During normal working hours, if, in the judgment of the department head, an emergency arises which necessitates immediate purchase of materials or services to continue with department operations, he notifies the purchasing manager of the emergency purchase which will be necessary and enters the purchase order in the computer system. The purchasing manager then processes the purchase order immediately, contacting finance for approval.

(b) After working hours, the department head will decide if an emergency exists and in such case will authorize the necessary emergency purchase. A disbursement voucher shall be completed for any emergency purchase with an explanation attached.

(c) In all cases, if the department head is not available, the decision regarding emergencies will be made by the finance director or assistant finance director. These procedures apply to all county agencies and departments.

(d) Emergency procedures are not intended for purchases required because of failure to anticipate normal needs. Work should be planned in advance and material requirements determined so that items can be requisitioned as a regular purchase.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-19. - Federal government surplus store.

When items are obtained from the federal surplus store, the amount paid for them represents simply the cost of transferring them to the county. Such items are, therefore, not purchased, but transferred, and the purchasing manager assumes full responsibility for all surplus items. As such, these items must remain on county property or premises at all times. If government officials wish to inspect any of these items, the purchasing manager will be contacted and must be familiar with the items and their location. Therefore, the purchasing manager will check periodically with departments that utilize such items and equipment.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-120 - Use of purchasing procedures and purchasing office required.

(a) The purchasing of goods and services utilized by county departments must be handled in accordance with the policies and procedures contained in this chapter.

(b) The purchasing of such items and services shall be accomplished through the use of the purchasing office. The key to an efficient and economical central purchasing system is optimum use of that system.

(c) While some exception to this policy will be allowed, e.g., emergency purchases as covered in section 30-18, failure to use the purchasing office may result in the county's refusal to pay invoices for such purchases.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-21. - Purchasing procedures.

Each county department is responsible for requesting, receiving, inspecting and accepting supplies and equipment for that department in accordance with the following:

(1) *Purchase order (entered via computer system).*

a. A purchase order is used to request tangible goods or equipment which must be bought, excluding warehouse supplies. The ordering department should anticipate needs in sufficient time for normal processing by the purchasing office.

1. Any tangible goods purchased which have a value of \$5,000.00 or more and a life expectancy of three years or more should be coded to the appropriate capital line item.

2. All related expenses, e.g., shipping, installation, should be coded to the capital line item for the equipment purchased.

b. The purchase order should be entered through the financial software system. The following information should be included:

1. Buyer.

2. Vendor.
3. Shipment destination.
4. Unit price.
5. Contract number, if applicable.
6. Description.
7. Quantity.
8. Unit of measure.
9. Fund.
10. Department identification.
11. Account number.
12. Project, if applicable.

c. Refer to the financial software system user's guide for more detailed instructions or contact the purchasing office for assistance and/or the Intranet for more detailed instructions. Contact the finance software administrator or the purchasing office for further assistance.

d. The purchasing manager will review the purchase order, obtain pricing, if applicable and, if appropriate, approve the purchase order. The purchase order is then reviewed by finance for confirmation that the appropriate accounts were charged. If the wrong accounts were entered, the ordering department will be advised, and the order will be held until it is corrected.

e. The purchasing manager has the authority to revise purchase orders and estimates of quantity, quality, or cost, as long as the established standards and specifications are maintained. If it is necessary to revise a purchase order, the ordering department will be informed immediately.

f. Authorization in the department budget for a particular item does not authorize a specific purchase. The purchasing manager must review each request independently when it is submitted by the ordering department and can request further review by the finance department or county manager.

(2) *Central warehouse supplies.*

a. All warehouse supplies will be listed in the supply catalogue provided to each department by the purchasing office and which is posted on the county's intranet. The central warehouse supplies include standardized, printed forms and items bearing the name, seal, and other logotypes symbolizing the county, commonly known as county logo items.

b. To request supplies, determine quantity needed, inventory number and account number. This information should be sent to the purchasing office via e-mail.

(3) *Issuance of purchase order; processing; records; disbursement vouchers.* After submission of a purchase order by the user department and review by the purchasing office and finance, a purchase order is issued. The purchase order is a legal instrument that is sent to the vendor for the actual purchase of items and as such is a contract to buy on behalf of the county and to sell at a specified price on behalf of the vendor. State preaudit law requires dual signatures on all purchase orders issued, a designated purchasing office representative and a finance office representative. When both representatives have approved the purchase orders, they are distributed electronically to the vendor, Finance Department and requester.

- a. When an ordering department receives, inspects and accepts delivery of a complete order:
 1. The department should use the finance software system to obtain a voucher number.
 2. The voucher number should be written on the invoice and forwarded to finance.
 3. The voucher number should be written on the departmental copy of the purchase order and filed in that department for future reference.
- b. When ordered goods are received, inspected and accepted as a partial or incomplete shipment, the ordering department uses the same procedures as listed in subsection (3)a.
 1. When the remainder of the order is received, the ordering department should again use the finance software system to obtain a voucher number.
 2. If the remainder of the order does not arrive in a reasonable time, the ordering department should notify the purchasing office by memorandum so the vendor can be contacted regarding the reason for the delay in shipment.
- c. When a department receives partial delivery of an order and finds that the balance of the order is not needed, the department shall notify the purchasing office in writing and request cancellation of the remaining balance, provided the complete order has not yet been shipped and the vendor is agreeable. If a department wishes to cancel a purchase order in its entirety, the department head should immediately notify the purchasing office in writing and explain the reasons for the cancellation. The purchasing office will then notify the vendor directly; an ordering department may not contact the vendor personally to cancel a purchase order. Authorization for a cancellation may be made only by the purchasing manager.
- d. A purchasing system is not efficient without the maintenance of up-to-date, accurate records on purchases made but not yet received. Until satisfactory delivery of such orders has occurred, the purchasing office has not achieved its ultimate goal. Therefore, it is important that the ordering department keep close check on expected delivery dates of purchase orders and notify the purchasing office of any outstanding orders so that necessary action may be taken. If follow-up action is required, the purchasing office will mail a letter to the vendor requesting that delivery be made or asking for an explanation of the delay. The purchasing office will then place the purchase order and a copy of the form letter in a suspense file. If the order is received on or before the new delivery date, no further action is required. If the items have not been received, the purchasing office will again contact the vendor as to the delay and/or cancel the purchase order if immediate delivery cannot be guaranteed.
- e. There may be occasions when a department wishes to return merchandise to the vendor. In such case, the department head should notify the purchasing office so that the vendor may be contacted and the return of the order negotiated. If the order is not to be replaced by the vendor, the department should request purchasing to cancel the purchase order.
- f. A disbursement voucher system will be used to request payment for goods and services when a purchase order is not feasible or when the invoice amount exceeds the purchase order amount. Examples of the kinds of transactions for which a disbursement voucher form will be used are as follows:
 1. Purchases shall not exceed \$999.99 for all county departments. The county manager reserves the right to lower the purchase order limit for any department.
 2. Postage.
 3. Dues, subscriptions and advance registration fees.
 4. Payment of debt service charges.

5. Sheriff's department requests for informant and narcotics monies.
6. Newspaper advertising.
7. Vehicle, equipment repair and emergency maintenance repair.
8. Payments to the county manager, board of commissioners, the county attorney and members of other county boards.
9. All requests for payment of invoices wherein a purchase order has not been completed.
10. Temporary nonemployee or professional workers not covered by a contract.
11. Refunds.
12. Utilities.
13. Library books received on approval.
14. Advance travel conference or lodging reservations.
15. Employee reimbursements.
16. Client assistance payments.
17. Medical.
18. Equipment service contracts.

g. Any payment on a disbursement voucher which should have had a purchase order issued must be accompanied by a memorandum stating why a purchase order was not obtained and if any corrective action has been taken to prevent further occurrences.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-22. - Completion of disbursement voucher form.

- (a) The disbursement voucher form referenced in section 30-21(3)f., shall be completed and shall contain the following:
- (1) Date.
 - (2) The name and address of the person or company to whom payment is being authorized.
 - (3) When more than one invoice is being paid to a single vendor, each invoice should be stated on a separate item.
 - (4) The description of items/services purchased if sufficient description does not appear on the purchase document.
 - (5) The budget account number against which payment is being requested.
 - (6) The amount of each item number.
 - (7) The amount of sales tax charged for the total purchase.
 - (8) The totals of the amount and sales tax columns.
 - (9) The department/agency head must sign the disbursement voucher authorizing payment.

(b) The original and first copy of the voucher, along with the invoice or other purchasing receipt, should be forwarded to the finance department.

(Ord. No. 2005-10, 9-6-2005)

Sec. 30-23. - Procurement card procedures.

(a) The procurement card program was established to provide a more rapid turnaround of requests for low-dollar-value goods and to reduce paperwork and handling costs. Those requesters who have been issued credit cards may initiate transactions in person, on the internet, or by telephone, within the limits of these procedures, and may receive goods.

(b) Department heads may propose an employee to be a cardholder by completing the request for credit card form; the form can be found on the county's intranet. The request is to be forwarded to the purchasing office for processing. The proposed cardholder shall be issued a copy of this procedure and shall be required to acknowledge (countersign) an authorization memorandum, indicating the cardholder understands the procedures.

(c) Team cards are available for units and/or departments. The team card is one card with several authorized users.

(d) The unique credit card that the cardholder receives has his name embossed on it and shall only be used by the cardholder. No other person is authorized to use that card.

(e) Use of the credit card shall be limited to the following conditions:

(1) Payment for a purchase will not be split into multiple transactions to stay within the single purchase limit.

(2) All items purchased over the counter must be immediately available at the time of the credit card use. No back ordering of merchandise is allowed.

(3) The credit card shall not be used for the following:

- a. Personal purchase or identification.
- b. A single purchase of supplies or equipment that exceeds the purchase order limit.
- c. Cash advances.
- d. Telephone calls.
- e. Purchase of alcoholic beverages.
- f. Payment for spouse-related travel expenses.

(f) The single transaction limit for the purchase of supplies and material is \$499.99. Travel expenses and nontangible training items may exceed \$499.99 for a single transaction. At the finance director's discretion, a department head's employee's single transaction limit can be \$999.99, and he may designate staff that has responsibility for purchasing within the department to have a single transaction limit of \$999.99.

(g) The assistant finance director and the purchasing manager may authorize exemptions to the single transaction limit under special circumstances.

(Ord. No. 2005-10, 9-6-2005)

This the 20th day of June, 2011.

Chair Barnes asked if any commissioner wished an item be broken out of the consent agenda. None were requested. Commissioner Hunsucker made a motion to approve the consent agenda. The motion carried unanimously.

11. Departmental Reports:

A. Sheriff's Office:

Sheriff's Office Business Manager Susan Branch presented a request for Board approval of a joint grant application with the City of Hickory for a 2011 Justice Assistant Grant (JAG). Catawba County's share of the grant funds will be \$15,552. JAG funding allocation is based on population and violent crime statistics. The 2011 JAG award directives specify that a grant application be reviewed by the governing body within 30 days of application, that there is an opportunity for public comment prior to application submission, and no local match is required.

This JAG grant will be used for a local initiative that will enhance a prevention and education program. Mt. Sinai Baptist Church Community Outreach Center, Inc. has a proven program directed by Reverend Donald Gray. Reverend Gray outlined his program which includes a summer camp for 45 to 50 school age children, with the goal of teaching them skills to build self-esteem, and prevent drug abuse and gang activity. It encourages youth to stay in school and set goals for college. In the last five years of operation, twenty children who participated in this program are now enrolled in college. This has all been done through community donations. Reverend Gray approached Sheriff Coy Reid to request any grant funding or other help to further their goals. The Sheriff's Office has identified known gang activity in the Catawba community, has seen proven effective program results, and is encouraged to see proactive community efforts to prevent drug abuse and gang activity. The positive interaction of this community program helps keep children out of gangs, and helps youth walk away from gang activities so the cycle that exposes them to violent crime is broken. This grant of \$15,552 will cover travel and supplies to be used in the program. Chair Barnes commended Reverend Gray for his efforts. Commissioner Barbara Beatty made a motion to approve the grant application. The motion carried unanimously.

B. Utilities and Engineering:

Utilities and Engineering Director Barry Edwards and Republic Services Area President Drew Isehour presented a request from Republic Services, doing business as Garbage Disposal Service (GDS), to increase the service portion of its fees by 2%, effective August 1, 2011. In accordance with the County's Franchise Agreement, the Board must approve GDS's fees and any increases for collection services. The last approved increase to GDS fees was on July 1, 2008. The requested increase affects the service portion of GDS fees only, not landfill tipping and disposal fees.

Since its last rate increase, GDS has experienced substantial increases in fuel and other operating costs. Fuel expense has increased 28% over the last year; parts & materials for equipment repairs have increased 6% in the past two years; and employee health insurance has increased 15% since 2008.

If the 2% increase is approved, the impact to GDS customers would be a residential curbside fee increase of 28 cents per household, per month, or \$3.36 a year. For residential customers, an optional cart rental fee of \$2.50 will not be increased. Front loader (commercial dumpster) fee increases would range from \$1.00 to \$8.46 per month, depending on the size of the container and number of scheduled pickups. Roll-off (construction & demolition) fee increases would range from \$1.97 to \$3.06 per month, depending on the distance from the landfill and whether pickup is pre-scheduled.

The impact to the County's Solid Waste budget would be an increase to convenience center expenses, for site management paid to GDS, ranging from an increase for the Cooksville site of \$81.09 per month to an increase at the Blackburn site of \$172.20 per month. The total annual increase to convenience center expenses will be \$6,805.

June 20, 2011, MB#52

GDS continues its commitment to working cooperatively with Catawba County to improve the appearance of the convenience center sites. GDS supervisory staff visits each center twice weekly to monitor potential litter issues and keeps County staff informed of any issues or concerns. All waste hauled from the centers by GDS is covered, secured, or in enclosed containers. All solid waste activities, including the landfill and convenience centers, are funded from the Solid Waste Enterprise Fund, derived from solid waste tipping fees containing no ad valorem tax proceeds. Chair Barnes noted there had been no increase since 2008 and this would cause no increase to those using the convenience centers. Commissioner Isenhower confirmed with Drew Isenhour that fuel costs had increased 28% and that GDS' original rate increase had been for 4% but had settled on requesting 2%. Commissioner Hunsucker made a motion to approve the requested 2% increase. The motion carried unanimously.

12. Other Items of Business: None.
13. Attorney's Report: None.
14. Manager's Report: None.
15. Adjournment: The meeting was adjourned at 8:52 p.m.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk